

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RENY SHERENE MORGAN,

Plaintiff pro se,

v.

THE NORTHERN DISTRICT OF
GEORGIA ATLANTA, et al.,

Defendants.

CIVIL ACTION FILE

NO. 1:11-CV-02835-TWT-WEJ

**ORDER AND
FINAL REPORT AND RECOMMENDATION**

This matter is before the Court upon plaintiff pro se's request to proceed in forma pauperis ("IFP") [1] pursuant to 28 U.S.C. § 1915(a), request for a restraining order [3], and request for appointed counsel [4].

On August 23, 2011, plaintiff pro se, Reny Sherene Morgan, applied to proceed IFP and attached a Complaint [1-1]. However, plaintiff's affidavit was internally inconsistent, stating that she spends her entire income—a \$604.00 monthly disability payment—on recreation, entertainment, newspapers, magazines, etc., while also indicating that she spends no money on food, clothing, or any other living expense. (Aff. 2-5.)

On August 26, 2011, the Court directed [2] plaintiff to amend her IFP application within thirty days and warned plaintiff that failure to do so would result in the dismissal of this case. Plaintiff did not comply with that Order, but rather asked the Court to issue a restraining order against defendants and to appoint her counsel. (Mot. TRO; Mot. Counsel.)

Accordingly, the undersigned **DENIES** plaintiff's requests for a restraining order [3] and appointed counsel [4] as prematurely filed, and **RECOMMENDS** that plaintiff's request to proceed IFP [1] be **DENIED WITHOUT PREJUDICE** and that this case be **CLOSED**. See Fed. R. Civ. P. 41(b); N.D. Ga. R. 41.3(A)(2) (permitting Court to dismiss civil case for want of prosecution if plaintiff, after notice, fails to obey a lawful order of the Court).

SO ORDERED AND RECOMMENDED, this 5th day of October, 2011.



WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE

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**ORDER FOR SERVICE OF
FINAL REPORT AND RECOMMENDATION**

Let this Final Report and Recommendation of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and the Court's Local Rule 72.1B, be filed and a copy, together with a copy of this Order, be served upon counsel for the parties.

Pursuant to 28 U.S.C. § 636(b)(1), each party may file written objections, if any, to the Final Report and Recommendation within fourteen days of the receipt of this Order. Should objections be filed, they shall specify with particularity the alleged error(s) made (including reference by page number to any transcripts if applicable) and shall be served upon the opposing party. The party filing objections

will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the District Court. If no objections are filed, the Final Report and Recommendation may be adopted as the opinion and order of the District Court, and any appellate review of factual findings will be limited to a plain error review. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

The Clerk is directed to submit the Final Report and Recommendation with objections, if any, to the District Court after expiration of the above time period.

SO ORDERED, this 5th day of October, 2011.



WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE